

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	Case No. 1:17-cr-00224-AT-CMS
)	
ALLEN J. PENDERGRASS,)	
Defendant.)	

MOTION TO CONTINUE TRIAL DATE¹

Mr. Pendergrass has been charged in connection with a scheme to defraud the City of Atlanta and others by claiming to represent individuals and businesses who were awaiting payment from the city related to various issues, but it is alleged that when the funds were recovered, he used them for his personal gain.

As to Counts 1-5, Mr. Pendergrass is alleged to have committed and/or aided and abetted co-defendant Terrell McQueen in substantive mail fraud counts. As to Count 6, Pendergrass is alleged to have committed (or aided and abetted Mr. McQueen in) promotional money laundering. As to Counts 7-10, Mr. Pendergrass is alleged to have transferred, possessed, and used the means of identification of

¹ On July 13, counsel reached out to AUSA Tracia King regarding the current request. Due to the short timing, counsel has not yet received a response from Ms. King. Counsel also emailed a copy of this motion to Ms. King on July 14th prior to filing.

other people without lawful authority and/or aided and abetted Mr. McQueen in the commission of this crime.

There are has been extensive pre-trial litigation in this case and this Court issued its final order on the magistrate court's report and recommendation on May 5, 2021. The Court then set the trial for this matter for August 27, 2021. Doc. 177. Motions in limine and proposed voir dire are due today, July 14.

Counsel and Mr. Pendergrass have met on multiple occasions to prepare for trial in this matter. On July 13, both counsel and Mr. Pendergrass agreed that additional time is needed to locate additional witnesses and to prepare for trial. Mr. Pendergrass has also notified counsel that he would like to request a bench trial in this matter. A bench trial may permit the parties to try the case in a more efficient manner that could save time and resources. Counsel emailed AUSA Tracia King about these requests, but has not yet received a response.

Counsel understands that the Court's trial calendar is likely backed-up due to the lack of jury trials in 2020, but counsel is requesting that the trial be continued until October to allow for sufficient preparation and a zealous defense of Mr. Pendergrass. Additionally, counsel had discussed a potential resolution of the case with the former AUSA handling the case, Jeff Brown, but the parties were unable to resolve the matter. Given additional time, the parties may be able to reach a resolution, which would eliminate the need for trial.

Counsel asserts that the time related to this request should be excluded under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7), as the requested time is necessary for effective preparation so that counsel may provide an adequate defense.

Respectfully submitted this day 14th of July 2021.

/s/SARALIENE S. DURRETT

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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date electronically filed the foregoing motion to continue with the Clerk of the Court using the CM/ECF system which will automatically send email notification of such filing to the following attorney(s) of record:

All Defense Counsel

All AUSAs of record

Respectfully submitted this 14th day of July 2021.

/s/SARALIENE S. DURRETT

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